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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/522,287

01/25/2005

Hubert Sjoerd Blaauw

NL 020702

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12/03/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

ROE, JESSEE RANDALL

ART UNIT

PAPER NUMBER

1793

MAIL DATE

DELIVERY MODE

12/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/522,287

Applicant(s)

BLAAUW ET AL.

Examiner

Jessee Roe

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5 August 2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of the Claims***

Claims 1-4 are currently under examination and claims 5-7 are canceled.

Election was made with traverse in the reply filed on 18 May 2007. In the Reply filed 26 September 2007, the Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement. Therefore, the election has been treated as an election without traverse (MPEP §818.03(a)).

### ***Examiner Interpretation***

The Examiner has interpreted claim 1 to include plasma nitriding at temperatures below 500°C of both precipitation hardenable stainless steels and stainless maraging steels.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: For the purpose of clarity, the Examiner suggests that claim 1 be written as follows in order to include precipitation-hardenable stainless steels in the step of plasma nitriding process at temperatures below 500°C as is recited in instant claims 3 and 4 and shown in Example 1 of the instant specification. "Method for plasma nitriding of precipitation-hardenable stainless steels or stainless maraging steel characterized in that the plasma nitriding is carried out at a temperature below 500°C". Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Laurence et al. (US 5,244,375).

In regards to claims 1 and 4, Laurence et al. ('375) a method of plasma nitriding 630 (precipitation hardenable) stainless steel press plates (title, col. 6, lines 49-58 and col. 12, line 55 – col. 13, line 9). Laurence et al. ('375) further disclose that 630 (precipitation hardenable) stainless steel would be selected in order to produce a plate with a low gloss (col. 1, lines 49-62).

Still regarding claims 1 and 4, Laurence et al. ('375) disclose that plasma nitriding would be carried out in the range of 400-450°C, which would be below 500°C ( col. 8, line 64 – col. 9, line 35), which anticipates instant claims 1 and 4

Alternatively, Laurence et al. ('375) also disclose that the nitriding temperature would be below 1000°F (538°C) (claim 1), which overlaps the temperature of the instant invention, which is a prima facie case of obviousness. MPEP 2144.05 I. It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the claimed temperature range from the temperature range disclosed by Laurence et al. ('375) because Laurence et al. ('375) disclose the same utility (plasma nitriding precipitation hardenable stainless steel) throughout the disclosed range.

Laurence et al. ('375) further disclose that the nitriding temperature would be a result-effective variable in achieving a desired hardness and case depth of a workpiece. It would have been obvious to one of ordinary skill in the art at the time the invention was made to select the desired plasma nitriding temperature in order to achieve the a desired hardness and case depth. MPEP 2144.05 II.

In regards to claim 2, Laurence et al. ('375) disclose that the press plates would be a machine part (col. 5, line 60 – col. 6, line 5). Laurence et al. ('375) further disclose the preferred geometry of the press plates for plasma nitriding (col. 9, lines 36-50), which reads on the limitations of instant claim 2.

In regards to claim 3, Laurence et al. ('375) disclose precipitation hardening of the 630 stainless steel press plates in addition to plasma nitriding the press plates (col. 12, line 55 – col. 13, line 9), which reads on the limitations of instant claim 3.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessee Roe whose telephone number is (571) 272-5938. The examiner can normally be reached on Monday-Friday 7:30 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Roy V. King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JR

  
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